

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COLORADO CAPITAL INVESTMENTS, INC.,
Successor in Interest to Providian Bank,
Plaintiff,

-against-

CHARLES OWENS,

Defendant & Third Party Plaintiff,

-against-

PROVIDIAN FINANCIAL CORP.,
NATIONWIDE CREDIT, INC., &
ARS NATIONAL SERVICES, INC.,
Third Party Defendants,

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WALL, Magistrate Judge:

Before the court is the plaintiff's January 14, 2006 motion for reconsideration of the order of January 3, 2006, denying his motion for an extension of the Scheduling Order. The motion for reconsideration is opposed by the defendants by letter dated January 18, 2006. The motion for reconsideration is denied.

To succeed on a motion for reconsideration, the plaintiff must show that "the Court overlooked controlling decisions or factual matters that were put before it on the underlying motion." Local Civil Rule 6.3. "The standard for granting a motion for reconsideration 'is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked -- matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.'" *L.I. Head Start Child Dev't Servs., Inc. v. Kearse*, 96 F. Supp. 2d 209, 211 (E.D.N.Y. 2000) (quoting *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 256-57 (2d Cir. 1995)). A motion for reconsideration is not an opportunity to present facts

ORDER

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that were known to the party on the earlier motion, nor new legal theories in place of the ones used earlier that did not prevail. *See id.* at 211-212; *see also PAB Aviation, Inc. v. United States*, 2000 U.S. Dist. LEXIS 12201 at *2-3 (E.D.N.Y. 2000). “Nor may the party merely reiterate or repackage an argument previously rejected by the court; that argument is for appeal.” *PAB Aviation*, 2000 U.S. Dist. LEXIS at *2-3.

The plaintiff has presented no facts or legal theories that were not known to him when his earlier motion was made, and the motion is denied.

Dated: Central Islip, New York
January 19, 2006

SO ORDERED:

/s/ William D. Wall
WILLIAM D. WALL